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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,166	05/30/2006	Assaf Gil	3032/7	9414
7590	01/26/2007			
Mark Friedman Bill Polkinghorn 9003 Florin Way Upper Marlboro, MD 20772			EXAMINER VU, THONG H	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/560,166

Applicant(s)

GIL ET AL.

Examiner

Thong H. Vu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-15 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9,12-15 are rejected under 35 U.S.C. 102(b) as being obvious over Sharpe III et al (6,012,961 A).

2. As per claim 1, Sharpe discloses a story-telling doll [Sharpe, A electronic toy 10, Fig 1] comprising:

- (a) a doll body [Sharpe, toy 36, Fig 3];
- (b) a processing system including at least one digital processor, said processing system being contained within said body [Sharpe, microcontroller 18a, Fig 2];
- (c) a programmable data storage device associated with said processing system and contained within said body [Sharpe, program data 14, Fig 2];
- (d) an audio output device associated with said processing system and contained within said body [Sharpe, output device 16, Fig 2];
- (e) at least one user-operable switch manually operable by manipulation of at least open region of said body, said at least one switch being operative to provide an input signal to said processing system [Sharpe, switch 28A, Fig 2]; and
- (f) a communication unit associated with said processing system and contained within said body [Sharpe, PC 20, Fig 2], said communications unit being configured operable

under control of said processing unit in response to said input signal to:

- (i) initiate a data communications link via a general purpose communications network with a remote content provider source [Sharpe, modem, 96, Fig 4],
- (ii) transmit to the remote content provider a request for download of at least one data file including audio content [Sharpe, download, col 5 line 9], and
- (iii) receive the at least one data file including audio content from the remote content provider [Sharpe, sound, col 5 line 36],

wherein the processor system is operative to save the at least one data file in said storage device and subsequently to play said audio content read from said at least one data file via said audio output device [Sharpe, audio, video fiels, col 6 line 61].

- 3. As per claim 2, Sharpe discloses a modem [Sharpe, modem, 96, Fig 4],
- 4. As per claim 3, Sharpe discloses a PSTN [Sharpe, switching network, col 7 line 64].
- 5. As per claim 4, Sharpe discloses cellular network [Sharpe, wireless network, col 7 line 61].
- 6. As per claim 5, Sharpe discloses a socket [Sharpe, port 24, Fig 2].
- 7. As per claim 6, Sharpe discloses option for download [Sharpe, download, col 5 line 9].
- 8. As per claim 7, Sharpe discloses a switch manually operable by manipulation of a limb of the doll body [Sharpe, body part, col 6 line 20].
- 9. As per claim 8 Sharpe discloses a switch manually operable by manipulation of a

Art Unit: 2616

head of the doll body [Sharpe, body part, col 6 line 20].

10. As per claim 9, Sharpe discloses a button [Sharpe, button switch 28A, Fig 2].

11. Claim 12 contains identical limitations set forth in claim 1. Therefore claim 12 is rejected for the same rationale set forth in claim 1.

12. As per claims 13-15, Sharpe discloses a content type or category [Sharpe, text input, col 9 line 54].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe III et al (6,012,961 A) in view of Rifkin et al (5,873,765 A).

13. As per claim 10, Sharpe does not disclose a rechargeable battery. Rifkin taught a toy with a battery power [Rifkin, col 4 line 7]

Therefor it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the toy with battery as taught by Rifkin into the Sharpe 's apparatus in order to utilize the toy.

Doing so would provide the toy with power source to simulate the audio program

Art Unit: 2616

and movement.

14. As per claim 11, Sharpe-Rifkin disclose a connector as inherent feature of battery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3333. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Failed Lynn*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner
Art Unit 2616